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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,908	12/22/2000	Marc Steven Price	1330.1095	6595

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EXAMINER
SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/741,908	PRICE ET AL.
	Examiner	Art Unit	
	Shannon S. Saliard	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 January 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Applicant has amended claims 1, 12-16, 18, and 19. No claims have been

cancelled or added. Thus, claims 1-19 remain pending and are again presented for

examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 12-16, 18, and 19 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-4, 6-13, and 16-19** are rejected under 35 U.S.C. 102(e) as being

anticipated by Petters et al [US 2001/0018672].

        As per **claims 1 and 12**, Petters et al discloses a method, comprising: receiving

electronic entity events for exchange transactions between first and second parties

serviced by a third party [0012]; and dynamically and automatically, by a computer, pricing servicing of the events by the third party responsive to an electronic entity event pricing plan [0103] where the pricing is based on a collection of the exchange transactions [0103-0104; see Table].

As per **claim 2**, Petters et al further discloses wherein the event comprises one of a transaction with a good/service exchanged as part of the transaction, multiple transactions with goods/services, a product query, an advertisement review, transferring to another site, an exchange subscription fee, or a customer characteristic [0104; 0100; 0112].

As per **claim 3**, Petters et al further discloses wherein the pricing is responsive to relationships among buyers and sellers comprising negotiated customer specific rates and discounts [0102; 0104].

As per **claim 4**, Petters et al further discloses wherein the dynamic pricing plan uses a decision network having rule-based functions [0103-0106].

As per **claim 6**, Petters et al further discloses wherein the rules based functions comprise conditional decisions [0106].

As per **claim 7**, Petters et al further discloses wherein the rules based functions comprise pricing calculation algorithms [0103-0106].

As per **claim 8**, Petters et al further discloses wherein the algorithms comprise one of single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit or taper charges [0103-0104].

As per **claim 9**, Petters et al further discloses wherein said electronic event has a transaction price [0103] and a good/service price [0104-0106].

As per **claim 10**, Petters et al further discloses wherein said electronic event comprises multiple transactions [0103-0104].

As per **claim 11**, Petters et al further discloses wherein the pricing comprises detail and summary pricing [0103; see Table].

As per **claim 13**, Petters et al discloses a method, comprising: receiving an electronic exchange transaction request; performing an electronic exchange function responsive to the electronic exchange transaction request [0012]; and dynamically and automatically, by a computer, pricing servicing of electronic exchange events responsive to an electronic exchange event pricing plan [0103] where the pricing is based on a collection of the exchange events [0103-0104; see Table].

As per **claim 16**, Petters et al discloses a system, comprising: an electronic exchange handling electronic exchange events [0012]; and a pricing mechanism dynamically pricing servicing of the electronic exchange events responsive to an electronic exchange event pricing plan where the pricing mechanism comprises a function pricing servicing of the electronic exchange events based on a collection of the exchange events [0103-0106; see Table].

As per **claim 17**, Petters et al further discloses wherein said pricing mechanism comprises a code-based pricer and non-code based rules used by the pricer to price the event [0060; 0098]

As per **claim 18,** Petters et al discloses a computer readable storage controlling

a computer by dynamically and automatically pricing servicing of electronic exchange

events responsive to an electronic exchange event pricing plan where the pricing is

based on a collection of the exchange events [0103-0106; see Table].

As per **claim 19,** Petters et al discloses a method, comprising: receiving an

electronic exchange entity event for transactions [0012]; and dynamically and

automatically, by a computer, pricing servicing of the events responsive to an electronic

entity event pricing plan where the pricing is based on a collection of the exchange

transactions [0103-0106; see Table].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Petters et al [US 2001/0018672] in view of Maritzen et al [U.S. Patent No.

5,987,429].

As per **claim 5,** Petters et al discloses all the limitations of claim 1. Petters et al

does not disclose wherein said functions price the transaction across goods/services.

However, Maritzen et al discloses a computer-based fee processing system for

electronic commerce in which fees are assessed based on the specific product or

service [col 6, lines 48-51]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Petters et al to include the method disclosed by Maritzen et al so that the agent avoids losing revenue by receiving the same payment fee for a good/ service that requires more handling and attention than another good/service.

As per **claim 15,** Petters et al discloses a method, comprising: receiving electronic exchange transaction requests [0012]; performing electronic exchange functions responsive to the electronic exchange request and where the function comprises transactions exchanging a goods/services having a goods/services prices [0010; 0068; see Table]; and dynamically and automatically, by a computer, pricing servicing of the electronic exchange transactions with detail and summary pricing using an electronic exchange event pricing plan [0103] responsive to relationships among buyers and sellers and comprising negotiated customer specific rates [0102] and where the dynamic pricing plan uses a decision network having rule based functions pricing the transactions [0103-0106], pricing across the transactions [0103; see Table], pricing with charge limitations [0103; see Table]and pricing non-transactions [0105] using conditional pricing decisions [0106] and pricing calculation algorithms comprising single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit and taper charges where the pricing is based on a collection of the exchange transactions [0103-0106; see Table]. Petters et al does not disclose wherein said functions price the transaction across goods/services. However, Maritzen et al discloses a computer-based fee processing system for

electronic commerce in which fees are assessed based on the specific product or

service [col 6, lines 48-51]. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify the invention of Petters et al to

include the method disclosed by Maritzen et al so that the agent avoids losing revenue

by receiving the same payment fee for a good/ service that requires more handling and

attention than another good/service.

7.   **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Petters

et al [US 2001/0018672].

As per **claim 14,** Petters et al discloses a method, comprising: receiving

electronic exchange events [0012]; and dynamically and automatically, by a computer,

pricing servicing of the electronic exchange events responsive to an electronic

exchange event pricing plan having transaction pricing [base fee; 0103; see Table],

summary pricing [total fee; 0103; see Table] and non-transaction [0105] pricing where

the pricing is based on a collection of the exchange events [0103; see Table]. Petters et

al does not explicitly disclose wherein the pricing includes cross product pricing.

However, Petters et al discloses that a base fee is charged [0104]. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

the invention of Petters to include charging the same price across all products for

customer and/or seller convenience of knowing the additional cost of the good/service

regardless of the good/service purchased or sold prior to negotiating on a good/ service

price.

Conclusion

<u>Examiner's Note:</u> Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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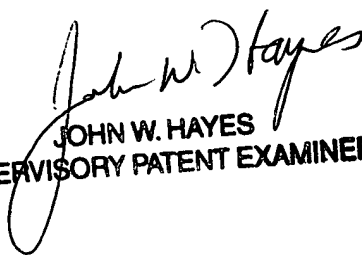
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Or faxed to:

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Hand delivered responses should be brought to the Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Shannon S Saliard
Examiner
Art Unit 3639

sss

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER